REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 102

Claims 1-3, 6, 10-13, 16, 20-25 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,652,930 ("the Teremy patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 1, 6, 10, 11, 16, 20, 21, 23, 24 and 33 are not anticipated by the Teremy patent because the Teremy patent does not teach a component or means for changing and/or setting luminous brightness or luminous color of an organic electro-luminescent element, nor does it teach a component or means for driving the organic

electroluminescent element on the basis of the luminous brightness or the luminous color set by the driving condition setting means wherein the luminous brightness or the luminous color in an identical area of the display device is manually changeable by an operator.

The Examiner contends that since the Teremy patent teaches that OLEDs emit light in different colors and in different combinations associated with camera conditions, which can be manually changed by a camera user, the driving conditions of the OLEP element are consequently manually changeable by the user. (See, e.g., Paper No. 8, page 2.) The amendments to the claims distinguish them, for the reasons listed above, from display changes due to mode/state changing operations by a user.

Moreover, some of the claims recite driving condition setting means and driving control means which operate differently than changing a display by changing a mode of a camera. The Examiner is reminded that the PTO cannot ignore the specification when interpreting means plus function claim elements. In this regard, the Court of Appeals for the Federal Circuit ("the CAFC") has stated:

> The plain and unambiguous meaning of paragraph six is that ***one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof, to the extent that the specification provides such disclosure. Paragraph six does not state or even suggest that the PTO is exempt from this mandate***, and there is no legislative

> history indicating that Congress intended that the PTO should be. [Emphasis added.]

In re. Donaldson, 29 U.S.P.Q.2d 1845, 1848 (Fed. Cir. 1994). The CAFC further stated:

> our holding in this case merely sets a limit on how broadly the PTO may construe means-plus-function language under the rubric of "reasonable interpretation." Per our holding, the "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, ***the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination***. [Emphasis added.]

Id., at 1850.

Accordingly, independent claims 1, 6, 10, 11, 16, 20, 21, 23, 24 and 33 are not anticipated by the Teremy patent for at least the foregoing reasons. Since claims 2, 3, 12, 13, 22, and 25 depend, either directly or indirectly, from one of the listed independent claims, these claims are similarly not anticipated by the Teremy patent.

Claims 6, 8, 9 and 25-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,021,280 ("the Osato patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 6, 25 and 33 are not anticipated by the Osato patent because the Osato patent does not teach a component or means for changing and/or setting luminous brightness or luminous color of an organic electro-luminescent element, nor does it teach a component or means for driving the organic electroluminescent element on the basis of the luminous brightness or the luminous color set by the driving condition setting means wherein the luminous brightness or the luminous color in an identical area of the display device is manually changeable by an operator.

The Examiner contends that since the Osato patent teaches that the driving conditions of LEDs or EL are changed when an operator depresses the zoom switch or main switch, the driving conditions of the LED or EL are consequently manually changeable by the user. (See, e.g., Paper No. 8, page 11.) The amendments to the claims distinguish them, for the reasons listed above, from display changes due to mode/state changing operations by a user.

Moreover, some of the claims recite driving condition setting means and driving control means which operate differently than changing a display by changing a mode of a camera. The Examiner is reminded that the PTO cannot ignore the specification when interpreting means plus function claim elements.

Accordingly, independent claims 6, 25 and 33 are not anticipated by the Osato patent for at least the foregoing reasons. Since claims 8 and 9 depend from claim 6, claims 26-32 depend, either directly or indirectly, from claim 25, and claims 34-38 depend,

either directly or indirectly, from claim 25, these claims are similarly not anticipated by the Osato patent.

Rejections under 35 U.S.C. § 103

Claims 4, 5, 7-9, 14, 15 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Teremy patent in view of the Osato patent. These claims depend from claim 1, 6, 11 or 16. The Teremy and Osato patents (either taken alone, or in combination) do not teach or suggest a component or means for changing and/or setting luminous brightness or luminous color of an organic electro-luminescent element, nor do they teach or suggest a component or means for driving the organic electroluminescent element on the basis of the luminous brightness or the luminous color set by the driving condition setting means wherein the luminous brightness or the luminous color in an identical area of the display device is manually changeable by an operator. Therefore, these claims are not rendered obvious by the Teremy and Osato patent for the same reasons as discussed above with reference to claims 1, 6, 11 and 16.

New claims

New dependent claims 39-59 further distinguish the claimed invention over the Teremy and Osato patents.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the

pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

August 20, 2004

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **August 20, 2004** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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